

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS R. ELLINGTON,

Plaintiff,

No. CIV S-04-0666 DFL KJM P

vs.

E. S. ALAMEIDA, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a prisoner proceeding pro se with a civil rights action. On May 18, 2005, the court found service of the complaint appropriate for three defendants and sent plaintiff the necessary forms with direction to return them along with three copies of the amended complaint for service.

On May 27, 2005, plaintiff filed a request for a temporary restraining order, averring he is unable to go to the law library to make the copies without a wheelchair. He asks that prison officials be ordered to provide him with a wheelchair for one day to facilitate his law library access.

On June 9, 2005, plaintiff filed a second request for a temporary restraining order and preliminary injunction, arguing that he cannot reach the dining hall, the showers or the law library without a walker or a wheelchair.

1           There is no indication in the court's file that plaintiff has attempted to give notice  
2 of his request for injunctive relief to defendants; he also has not explained what efforts he has  
3 made to notify those who are responsible for his medical care, as required by the Federal Rules of  
4 Civil Procedure. See Fed. R. Civ. P. 65(a), (b).

5           Accordingly, IT IS ORDERED that plaintiff's May 27 and June 9, 2005 motions  
6 for temporary restraining orders are denied.

7           IT IS HEREBY RECOMMENDED that plaintiff's June 9, 2005 motion for a  
8 preliminary injunction be denied.

9           These findings and recommendations are submitted to the United States District  
10 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
11 days after being served with these findings and recommendations, plaintiff may file written  
12 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
13 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
14 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
15 F.2d 1153 (9th Cir. 1991).

16 DATED: June 16, 2005.

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19 UNITED STATES MAGISTRATE JUDGE  
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